

Hon. John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
TRACY HAWKINS,
Defendant.

NO. CR20-0217-JCC

~~[PROPOSED]~~

**PRELIMINARY ORDER OF
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Tracy Hawkins's interest in the following property ("Subject Currency"):

- \$13,919 in United States currency, seized on or about December 16, 2020, from Defendant Hawkins.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

///

- 1 • The Subject Currency is forfeitable pursuant to 21 U.S.C. § 853, as
- 2 property constituting or derived from proceeds Defendant obtained as a
- 3 result of the commission of Conspiracy to Distribute Controlled
- 4 Substances, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846;
- 5 and
- 6 • Defendant agreed in the Plea Agreement she entered on June 10, 2022, to
- 7 forfeit the Subject Currency pursuant to 21 U.S.C. § 853. Dkt. No. 372
- 8 ¶ 12.
- 9

10 NOW, THEREFORE, THE COURT ORDERS:

- 11 1) Pursuant to 21 U.S.C. § 853, and Defendant's Plea Agreement, Defendant's
- 12 interest in the Subject Currency is fully and finally forfeited, in its entirety, to the
- 13 United States;
- 14 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)–(B), this Preliminary Order will
- 15 be final as to Defendant at the time she is sentenced, it will be made part of the sentence,
- 16 and it will be included in the judgment;
- 17 3) The Department of Justice, Drug Enforcement Administration, and/or its
- 18 authorized agents or representatives ("DEA") shall maintain the Subject Currency in its
- 19 custody and control until further order of this Court;
- 20 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
- 21 United States shall publish notice of this Preliminary Order and its intent to dispose of the
- 22 Subject Currency as permitted by governing law. The notice shall be posted on an official
- 23 government website – currently www.forfeiture.gov – for at least thirty (30) days. For
- 24 any person known to have alleged an interest in the currency, the United States shall, to
- 25 the extent possible, provide direct written notice to that person. The notice shall state that
- 26 any person, other than the Defendant, who has or claims a legal interest in the currency
- 27

1 must file a petition with the Court within sixty (60) days of the first day of publication of
 2 the notice (which is thirty (30) days from the last day of publication), or within thirty (30)
 3 days of receipt of direct written notice, whichever is earlier. The notice shall advise all
 4 interested persons that the petition:

- 5 a. shall be for a hearing to adjudicate the validity of the petitioner's
- 6 alleged interest in the currency;
- 7 b. shall be signed by the petitioner under penalty of perjury; and,
- 8 c. shall set forth the nature and extent of the petitioner's right, title, or
- 9 interest in the currency, as well as any facts supporting the
- 10 petitioner's claim and the specific relief sought.

11 5) If no third-party petition is filed within the allowable time period, the
 12 United States shall have clear title to the currency, and this Preliminary Order shall
 13 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

14 6) If a third-party petition is filed, upon a showing that discovery is necessary
 15 to resolve factual issues it presents, discovery may be conducted in accordance with the
 16 Federal Rules of Civil Procedure before any hearing on the petition is held. Following
 17 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,
 18 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
 19 adjudication; and,

20 ///

21
 22 ///

23
 24 ///

25
 26 ///

1 7) The Court will retain jurisdiction for the purpose of enforcing this
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
4 Fed. R. Crim. P. 32.2(e).

5
6 IT IS SO ORDERED.

7
8 DATED this 19th day of April, 2023.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27



THE HON. JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

Presented by:

21 s/ Jehiel I. Baer
22 JEHIEL I. BAER
23 Assistant United States Attorney
24 United States Attorney's Office
25 700 Stewart Street, Suite 5220
26 Seattle, WA 98101
27 Phone: (206) 553-2242
 Fax: (206) 553-6934
 Jehiel.Baer@usdoj.gov